

S.N. 10/029,311
Atty Docket No. 13DV14196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Confirmation No. 3494
Gary E. WHEAT et al : Group Art Unit: 1763
Serial No.: 10/029,311 : Examiner: Richard R. BUEKER
Filed: December 20, 2001 :
For: GAS DISTRIBUTOR FOR VAPOR :
COATING METHOD AND :
CONTAINER :

#7
12/19/02
NW

FAX RECEIVED
DEC 18 2002
GROUP 1700
GROUP 1700

RESPONSE TO RESTRICTION REQUIREMENT PURSUANT TO 37 CFR 1.143

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed December 13, 2002, please consider the following remarks:

At page 2 of the Office Action, and pursuant to 35 USC 121, the Examiner says that restriction to one of the following inventions is required:

- I. Claims 1-15, drawn to the apparatus, classified in class 118, subclass 715.
- II. Claims 16-32, drawn to the method, classified in class 427, subclass 248.1.

Referring to MPEP 806.05(c), the Examiner says that these inventions are "distinct" because Invention I (the apparatus) can be used in a different process (i.e., from that of Invention II), such as a process in which the gas distributor is used to introduce a reactive gas such as an etching gas or coating gas, rather than an inert gas.

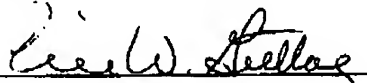
As requested by the Examiner, Applicants provisionally elect the Invention I subject matter (i.e., the apparatus of Claims 1-15). Applicants also respectfully request the Examiner to reconsider and withdraw this restriction requirement. Applicants submit that this restriction requirement simply exalts form impermissibly over substance. Other than referring to the different classifications for Inventions I and II, the Examiner provides no

S.N. 10/029,311
Atty Docket No. 13DV14196

other basis for why the searches would be different or burdensome. Accordingly, Applicants respectfully request that Inventions I and II of Claims 1-32 be examined together. See MPEP 803, which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

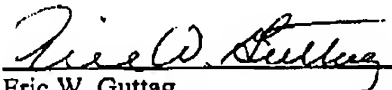
Respectfully submitted,
For Gary E. WHEAT et al


Eric W. Guttag
Attorney for Applicants
Reg. No. 28,853
(513) 229-0383
Customer Number 31838

December 17, 2002
Mason, Ohio

CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. patent and Trademark Office (Fax No. 703-872-9310) on December 17, 2002.


Eric W. Guttag
Registration No. 28,853